

## MILITARY AND NAVAL COOPERATION

*Agreement signed at Havana September 7, 1942*  
*Entered into force September 7, 1942*  
*Supplemented by agreement of February 1, 1943*<sup>1</sup>  
*Expired October 28, 1952*<sup>2</sup>

1942 For. Rel. (VI) 283

### AGREEMENT FOR MILITARY AND NAVAL COOPERATION

The Republic of Cuba and the United States of America, desiring to conclude an Agreement for Military and Naval Cooperation, have appointed for this purpose as their respective plenipotentiaries

The President of the Republic of Cuba, José Agustín Martínez, Minister of State,

The President of the United States of America, Spruille Braden, Ambassador Extraordinary and Plenipotentiary of the United States of America in Cuba,

Who, after having exchanged their full powers, found to be in due form, have concluded the following Agreement for Military Cooperation.

WHEREAS: The American Republics have reaffirmed their complete solidarity and their determination to cooperate for their mutual protection.

WHEREAS: The Governments of Cuba and of the United States of America are co-belligerents in a war against the Axis aggressor nations.

WHEREAS: The Governments of Cuba and the United States of America are desirous of cooperating to the utmost in the prosecution of the joint war effort.

WHEREAS: The use of certain Cuban facilities by the armed forces of the United States on a cooperative basis would represent an important and substantial contribution to the success of the joint war effort.

THEREFORE: The undersigned plenipotentiaries, being duly authorized for the purpose, have agreed as follows:

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<sup>1</sup> *Post*, p. 1221.

<sup>2</sup> Six months after entry into force of treaty of peace with Japan (3 UST 3169; TIAS 2490).

## ARTICLE I

*Authorizations*

As a contribution to the successful prosecution of the joint war effort, the Government of Cuba, without any prejudice to or impairment of the sovereignty of Cuba, has determined hereby to accord to the Government of the United States of America:

(a) An authorization of general character in favor of the service aircraft of the Government of the United States of America to fly over the territory of the Republic of Cuba and, when necessary, to land at any airport or landing field or, in the case of seaplanes, to land at any point within Cuban territorial waters. Prior notification of such flights shall not be required, nor any permission to land on land or sea.

(b) An authorization to the Government of the United States to photograph Cuban territory and territorial waters, in connection with the compilation of military data and the preparation of military maps, which maps when completed shall be made available freely to the Government of Cuba.

(c) An authorization for the establishment of service detachments of the Government of the United States at Cuban airports and landing fields in connection with flights of the service aircraft referred to in (a) above, and the utilization by the personnel of these detachments, for the account of the Government of the United States, of every kind of facilities such as repair shops, communications installations and equipment. In each case, prior to the establishment of such a detachment, there shall be previous consultation in order to arrive at an agreement respecting the character, conditions and scope of the activities which are to be undertaken.

The personnel of such detachments may circulate in uniform within the Republic of Cuba, in connection with the rationing and sheltering of personnel, the servicing of aircraft, the receiving and sending of necessary military communications, and other necessary activities.

(d) An authorization, subject in each case to prior consultation and agreement between the two Governments, for the establishment of additional airports to be used in connection with joint military and naval cooperation or for the improvement of existing airports and their facilities.

(e) An authorization for the establishment of shore detachments of United States Army or Navy personnel at strategic points along the Cuban coast, to be selected by previous agreement between the two Governments. This authorization includes construction of necessary quarters and maintenance facilities for personnel, equipment and supplies; the establishment of military communications facilities; and the installation of detector and other special equipment in connection with activities of patrol or vigilance.

The personnel of such detachments may circulate in uniform within the Republic of Cuba, as outlined in paragraph (c), provided service activities are involved.

(f) An authorization for patrol aircraft and surface craft of the United States Navy to call without restriction at points where shore detachments have been established under this Agreement, and to utilize bays, harbors, and coastal waters of Cuba without prior notification, in connection with their activities of vigilance and patrol.

(g) An authorization for the establishment of coast artillery guns at points to be selected by previous agreement between the two Governments in the vicinity of, and to the east and west respectively of, the boundaries of the Naval Station area at Guantánamo. This authorization extends to the construction of necessary temporary quarters for gun crews from the Naval Station, the establishment of such crews adjacent to the respective batteries, and the establishment of telephone facilities connecting each battery with the Naval Station area.

(h) An authorization for the establishment of a small detachment of uniformed personnel of the Naval Station at Guantánamo at the pumping installations on the Yateras River outside the Naval Station area, for the purpose of protecting these installations against possible damage from sabotage, together with an authorization for patrol and vigilance by Naval Station personnel of the pipe line between the intake equipment on the Yateras River and the points where the two systems enter the Naval Station area.

## ARTICLE II

### *Free Entry*

Materials of all kinds, equipment, fuel, merchandise and war supplies imported into Cuba consigned to the Government of the United States or an official agency thereof, in connection with the activities of United States service detachments, provided these materials cannot be obtained in Cuba, shall not be subject, under this Agreement, to the payment of Cuban customs duties or any other fees or charges. Appropriate administrative measures shall be taken by the authorities of the United States concerned to prevent any misuse of privileges granted by this article.

## ARTICLE III

### *Right of Use by the Cuban Government*

The service aircraft of the Government of the Republic of Cuba may freely utilize all the installations and facilities to which this Agreement refers, and those which exist in the territory of the United States of America, without other restrictions than those established for service aircraft of the Government of the United States of America.

## ARTICLE IV

*Consultation*

The Governments of Cuba and of the United States of America agree that they will act in mutual accord to adopt, from time to time, such supplementary revisions of this Agreement as may be necessary or as may be indicated by experience to be equally needed, to provide satisfactory procedure or regulations covering questions which may require additional clarification or improvement, including agreement as to details relative to the relationship and cooperation between the armed forces of Cuba and of the United States, with respect to execution of the authorizations enumerated in Article I of this Agreement, and with respect to matters referring to the protection of the rights and privileges of citizens of Cuba and personnel of the armed forces of the Government of the United States temporarily stationed in the Republic of Cuba pursuant to the provisions of Article I.

Consultation undertaken pursuant to this Agreement shall be between His Excellency the Minister of State of Cuba, on behalf of Cuba, and the Ambassador of the United States of America at Habana, on behalf of the Government of the United States of America.

## ARTICLE V

*Transfer of Fixed Installations to the Cuban Government at the Termination of this Agreement*

At the termination of this Agreement all the fixed installations and constructions of every kind placed within the Republic of Cuba by the Government of the United States, or in its name, during the life of this Agreement, shall be left in place and shall become without cost the property of the Government of Cuba.

## ARTICLE VI

*Secrecy of Agreement*

Because of the military character of this Agreement, it shall be considered strictly confidential until such time as the Governments of Cuba and the United States may mutually agree otherwise.<sup>3</sup>

## ARTICLE VII

*Duration of Agreement*

This Agreement shall be in force from the day of signature. The authorizations and stipulations of this Agreement for military and naval wartime cooperation shall remain in force for the duration of the present war and until

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<sup>3</sup> Classification changed to unrestricted by exchange of notes at Washington Jan. 18 and Feb. 17, 1947.

six months after the restoration of peace between the United States and all the foreign powers with which it is at war.

Signed and sealed in the English and Spanish languages, in duplicate at Habana this seventh day of September, nineteen hundred and forty-two.

For the Government of the Republic of Cuba:

J. A. MARTINEZ [SEAL]

*Minister of State of the Republic of Cuba*

For the Government of the United States of America:

SPRUILLE BRADEN [SEAL]

*Ambassador Extraordinary and Plenipotentiary of the United States of America at Habana*